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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,887	02/17/2004	Scott B. Beier		9624
31083	7590	07/06/2006		
THOMTE, MAZOUR & NIEBERGALL, L.L.C. 2120 S. 72ND STREET, SUITE 1111 OMAHA, NE 68124				
			EXAMINER GREENE, JASON M	
			ART UNIT 1724	PAPER NUMBER

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/779,887

Applicant(s)

BEIER, SCOTT B.

Examiner

Jason M. Greene

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 32-35 and 42-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 36-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/5/04; 4/9/04
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-31 and 36-41, in the reply filed on 7 April 2006 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-6, 8-10, 15, 20, 25 and 36-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Haufe et al. (US 2004/0163370 A1).

Haufe et al. discloses a combination comprising a fluid handling device (paint spray booth or HVAC system) having a fluid flow area, a plurality of filter frames (30) operatively mounted to said fluid handling device, each of the filter frames having four

Art Unit: 1724

outer frame members that define a filter area (34), each of the frames having a filter (22) selectively removably secured to at least one outer frame member so that said filter extends over the filter area, at least one of the filter being a pocket filter, wherein the pocket filter is a multiple pocket filter having multiple pocket portions, wherein the frames have at least one inner frame member (26) which defines multiple spaces for the pocket portions, wherein the pocket filter has a base panel (upstream edge) and a pocket portion, said base panel having first and second end portions separated by a pocket opening, said pocket portion having a closed end and side panels defining the pocket opening in Figs. 1-7 and paragraphs [0029] to [0042].

4. Claims 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by MacDonnell (US 3,830,042).

MacDonnell discloses a collapsible pocket filter (13) for a fluid handling device comprising a base panel (16) and a pocket portion the base panel having first and second end portions defined by a pocket opening, the pocket portion having a closed end and opposite side panels (15) that define the pocket opening, said pocket filter being selectively moveable between a collapsed and a filter position, the first and second end portions being adjacent one another and said side panels being adjacent one another when the filter is in the collapsed position and said side panels being spaced from each other to form a chamber when the filter is in the filter position, wherein the filter is formed from a single piece of I-shaped media, and wherein less than

the entire chamber is exposed to straight line fluid flow (due to inherent eddy currents) in Figs. 1, 3, 5 and 6 and col. 3, lines 19-36.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haufe et al. (US 2004/0163370 A1) in view of Beier (6,468,324 B1).

Haufe et al. does not disclose at least one of the filters being a planar filter.

Beier et al. '324 discloses a similar system wherein the filters (14) are planar filters in Figs. 2-6 and 9 and col. 2, line 65 to col. 4, line 5.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate at least one of the planar filters of Beier et al. '324 into the combination of Haufe et al. to reduce the manufacturing cost of the system since planar filtration media is less than expensive since it requires less raw material (less surface area) and is easier to manufacture, as is well known in art.

7. Claims 11-14 and 16-19, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haufe et al. (US 2004/0163370 A1) in view of MacDonnell (US 3,830,042).

With regard to claims 11-13, 16-18 and 21-23, Haufe et al. does not disclose the pocket filter being selectively moveable between a collapsed position and a filter position.

MacDonnell discloses manufacturing a pocket filter (13) such that it is selectively moveable between a collapsed position and a filter position in Figs. 1, 3, 5 and 6 and col. 3, lines 19-36.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the collapsible construction of MacDonnell into the pocket filter of Haufe et al. to allow the filter to be collapsed for shipping and storage, as suggested by MacDonnell in col. 3, lines 19-22.

With regard to claims 14, 19 and 27, less than the entire chamber of Haufe et al. will be exposed to straight line fluid flow due to the inherent formation of eddy currents.

8. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haufe et al. (US 2004/0163370 A1) or Lundberg (US 4,197,099) in view of MacDonnell (US 3,830,042).

Haufe et al. and Lundberg differ from the claims in that the references do not teach the filter being selectively moveable between a collapsed position and a filter position.

MacDonnell discloses manufacturing a pocket filter (13) such that it is selectively moveable between a collapsed position and a filter position in Figs. 1, 3, 5 and 6 and col. 3, lines 19-36.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the collapsible construction of MacDonnell into the pocket filter of Haufe et al. or Lundberg to allow the filter to be collapsed for shipping and storage, as suggested by MacDonnell in col. 3, lines 19-22.

### ***Conclusion***

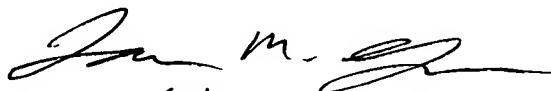
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Ernst, Richter et al., First, Holt et al., Kluge, Burkhead et al., Sokol and Ball et al. references discloses similar filtration systems.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571) 272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason M. Greene  
Primary Examiner  
Art Unit 1724

  
6/26/06

jmg  
June 26, 2006